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| 65913 | 7550 | 10/29/2008 | EXAMINER | |
| NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131 | | | GUZMAN, APRIL S | |
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Continuation of PTO-303

Applicant argues that there is ample support for the limitation “inductor being variable during operation” and that the rejection under 35 U.S.C. 112, first paragraph, be withdrawn.

The Examiner respectfully disagrees. Although Applicant specifically points out examples where this language is support by the subject matter, for example referring to page 2 lines 1-4 (“with at least one of [the first and second] inductors being variable for aligning the receiver”); page 2, lines 5-9 (“making the receiver means alignable by introducing at least one variable inductor or coil at least either coupled to the receiver antenna or in the receiver oscillating-filtering circuit”), these examples may support that the *operation does occur*; however, there would still be no clear and descriptive support in the specification of the present application as to when the operation occurs. The limitation “during operation” has been read in its broadest reasonable interpretation, therefore, the cited references still read on the claims.

Regarding independent claim 1, Applicant argues that the cited references do not teach an inductor which is variable during operation of a receiver.

The Examiner respectfully disagrees because in Applicant’s Remarks/Arguments on page 9, Applicant discloses “One possible reason for varying an inductor during operation is to tune a circuit, as explained in the present application.” Furthermore, “a receiver may be tuned to a transmitter by varying the inductance value of an inductor during operation of the receiver” and “the description of the variable coil indicates that the inductance value of the variable coil may be varied, or changed, during operation of the circuit in which the variable coil is located.” Shore teaches inductor L20 as well as capacitor C22 and resistors R23, R24, are selected to

lower the noise figure of receiver 12, and *to tune the frequency where receiver is sensitive to be close to the null in its radiated spectrum* (column 6 lines 13-18). Therefore, the Examiner has read the inductor L20, as taught by Shore, to be varied, or changed, during operation of the circuit. Furthermore, Shore teaches an inductor L22 as well as bypass capacitor C20, and a 1pF capacitor, *tune super-regenerative circuit 26 for operation at 390 MHz* (column 6 lines 19-22). The Examiner has also read inductor L22 to be varied, or changed, during operation of the circuit as was defined by the Applicant of a variable inductor being variable during operation. Shore also teaches “the tuned or operation frequency of circuit 26 will be set by inductor L22” (column 6 lines 22-29) which has also been read as the inductor L22 being varied, or changed during operation of the circuit. Therefore, the Examiner maintains her rejections.

Independent claims 13 and 14 recite similar limitations to claim 1 and therefore, the rejection to claim 13 and 14 are also sustained for the reasons explained above in regard to independent claim 1.

Dependent claims 2-6 and 9-11 depend from and incorporate all of the limitations of independent claims 1, therefore, the rejection of these claims are also sustained for the reasons explained above in regard to independent claim 1.

/April S. Guzman/

Examiner, Art Unit 2618

/Matthew D. Anderson/

Supervisory Patent Examiner, Art Unit 2618